

THE HONORABLE TIFFANY M. CARTWRIGHT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CAROL VAUGHN, in her representative
capacity as Personal Representative of the
ESTATE OF MICHAEL A. COHEN,

Plaintiff,

v.

LOREN COHEN, et al.,

Defendants.

WILLIAM NEWCOMER,

Plaintiff,

v.

LOREN COHEN, et al.,

Defendants,

v.

AMARA COHEN, individually, and SUSAN
COHEN, Trustee of the Michael Arthur
Cohen Spousal Equivalent Access Trust,
CAROL VAUGHN, individually, and in her
representative capacity as Personal
Representative of the ESTATE OF
MICHAEL COHEN, UNITED STATES OF
AMERICA (DEPARTMENT OF INTERNAL
REVENUE), and BR NEWCOMER, LLC,

Third-Party Defendants.

NO. 3:23-cv-06142-TMC

**STIPULATED MOTION TO FILE
CONFIDENTIAL DOCUMENTS
UNDER SEAL**

NOTED FOR CONSIDERATION:
JANUARY 7, 2025

I. STIPULATION

The parties below, through their respective counsel of record, hereby stipulate and respectfully request leave of Court to file under seal the following: Exhibits 12 and 18 to the Declaration of Adrienne D. McEntee in Support of Defendant Loren Cohen’s Motion for Summary Judgment. *See* Dkts. 149 and 150.

1. The Stipulated Protective Order (“SPO”) provides, in relevant part: “Before filing confidential material or discussing or referencing such material in court filings, the filing party shall confer with the designating party, in accordance with Local Civil Rule 5(g)(3)(A), to determine whether the designating party will remove the confidential designation, whether the document can be redacted, or whether a motion to seal or stipulation and proposed order is warranted. During the meet and confer process, the designating party must identify in writing within seven business days of the initial request for a meet and confer the basis for sealing the specific confidential information at issue, and the filing party shall include this basis in its motion to seal, along with any objection to sealing the information at issue. Local Civil Rule 5(g) sets forth the procedures that must be followed and the standards that will be applied when a party seeks permission from the court to file material under seal. A party who seeks to maintain the confidentiality of its information must satisfy the requirements of Local Civil Rule 5(g)(3)(B), even if it is not the party filing the motion to seal. Failure to satisfy this requirement will result in the motion to seal being denied, in accordance with the strong presumption of public access to the Court’s files. Dkt. 112 at ¶ 4.3.

2. On December 23, 2024, Loren’s attorneys filed two medical records, four medical expert reports, and the 2019 and 2020 tax returns for M&J Real Estate Investments, LLC, under seal along with a Motion to Seal. *See* Dkts. 149, 150.

3. On January 3, 2025, the parties conferred by email regarding sealing. Based on objections to the sealing of the tax returns, Loren agreed to withdraw the request to seal these records, except as to personal data identifiers listed in LCR 5.2(a). Ms. Vaughn confirmed she does not see a basis to seal the reports by medical experts. Ms. Vaughn confirmed that she would

like the two pages of medical records of Decedent at issue to remain under seal. No party objects to the sealing of Decedent's medical records.

4. Compelling reasons justify the sealing of Decedent's medical records. Understanding that the "compelling reasons" standard applied by the federal courts is stringent and not intended to "rubber stamp" party stipulations, *see Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006), the parties agree that the two pages of the Decedent's medical records filed by Loren Cohen should be sealed.

5. Pursuant to this stipulation, Loren's attorneys will file the previously sealed tax returns and reports by medical experts in open court, subject to any LCR 5.2(a) redactions and hereby withdraw Loren's Motion to Seal, (Dkt. 149), as to all documents other than the medical records, which the parties agree should remain sealed at this time.

STIPULATED TO AND DATED this 8th day of January, 2025.

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II. ORDER

IT IS SO ORDERED.

1. The medical records included as Exhibits 12 and 18 to the Declaration of Adrienne D. McEntee in Support of Defendant Loren Cohen's Motion for Summary Judgment shall be filed under seal.

2. Tax returns attached as Exhibits 1 to the Declaration of Adrienne D. McEntee in Support of Defendant Loren Cohen's Motion for Summary Judgment shall be filed in open court, subject to LCR 5.2(a) redactions.

3. The report of expert Dr. Elaine Peskind, attached as Exhibit 14 to the Declaration of Adrienne D. McEntee in Support of Defendant Loren Cohen's Motion for Summary Judgment shall be filed in open court, subject to LCR 5.2(a) redactions.

4. The reports of Dr. Jennifer Piel, attached Exhibits A, B, and D to the Declaration of Adrienne D. McEntee in Support of Motions to Exclude Experts, shall be filed in open court, subject to LCR 5.2(a) redactions.

DATED this 8th day of January, 2025.



THE HONORABLE TIFFANY M.
CARTWRIGHT